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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,184	12/31/2001	John E. Jenne	069099.0107	7203
23640	7590	03/04/2005	EXAMINER	
BAKER BOTTS, LLP 910 LOUISIANA HOUSTON, TX 77002-4995			TRAN, PHILIP B	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/039,184

Applicant(s)

JENNE ET AL.

Examiner

Philip B Tran

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6 and 7 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 8-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

In the "Cross-References to Related Applications" section, U.S. Patent Application Serial Numbers should be provided. See 37 CFR 1.78 and MPEP § 201.11.

Appropriate correction is required.

### *Claim Rejections - 35 U.S.C. § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2 and 6-7 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hefty et al (Hereafter, Hefty), U.S. Pat. No. 6,735,174.

Regarding claim 1, Hefty teaches a method for providing buffer-to-buffer credit port-level flow control for a computer network in operative communication with a plurality of ingress and egress network processors, each having an egress port and an ingress port that is associated with a buffer-to-buffer credit value corresponding to the current number of frames the ingress port may send, a buffer value corresponding to the current total frame size the ingress port may send, and a pending buffer-to-buffer

value corresponding to the pending buffer-to-buffer credits an egress port may issue the ingress port, and wherein a set of network processors is associated with a bridge, the method comprising the steps of sending a frame from the ingress port to a destination egress port, if the ingress port has a sufficient buffer-to-buffer credit value and buffer value, decrementing the buffer-to-buffer credit value associated with the ingress port, decrementing the buffer value associated with the ingress port, determining whether to increment the buffer-to-buffer credit value associated with the ingress port, incrementing the pending credit value associated with the ingress port, and determining whether to send a credit message to the ingress port [see Figs. 1-9 and Abstract and Col. 4, Line 40 to Col. 6, Line 29].

Regarding claim 2, Hefty further teaches the method of claim 1, wherein the computer system further comprises a switch fabric, and wherein the network processors are in operative communication with the switch fabric via the associated bridge [see Figs. 1-2].

Claims 6-7 are rejected under the same rationale set forth above to claims 1-2, respectively.

***Allowable Subject Matter***

4. Claims 3-5 and 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Other References Cited***

5. The following references cited by the examiner but not relied upon are considered pertinent to applicant's disclosure.


- A) Futral, U.S. Pat. No. 6,747,949.
- B) Knobel et al, U.S. Pat. No. 6,765,871.
- C) Monin, U.S. Pat. No. 6,243,358.
- D) Lu et al, U.S. Pat. No. 6,785,241.
- E) Barri et al, U.S. Pat. No. 6,657,962.
- F) McCracken, U.S. Pat. No. 6,532,501.
- G) Vangemert, U.S. Pat. No. 6,289,386.
- H) Forin, U.S. Pat. No. 6,594,701.
- I) West, U.S. Pat. Application Pub. No. US 2002/0186703 A1.
- J) Johnson et al, U.S. Pat. Application Pub. No. US 2002/0012344 A1.
- K) Ghose et al, U.S. Pat. Application Pub. No. US 2002/0004842 A1.
- L) Smith, U.S. Pat. Application Pub. No. US 2003/0074449 A1.
- M) Bloch et al, U.S. Pat. Application Pub. No. US 2001/0043564 A1.

6. A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE THREE MONTHS, OR THIRTY DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. FAILURE TO RESPOND WITHIN THE PERIOD FOR RESPONSE WILL CAUSE THE APPLICATION TO BECOME ABANDONED (35 U.S.C. § 133). EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF 37 CAR 1.136(A).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (571) 272-3991. The Group fax phone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached on (571) 272-3978.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
Philip B. Tran  
Art Unit 2155  
Feb 20, 2005